

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John David Fraser
Serial No. : 10/516,813
Filed : December 3, 2004
Title : IMMUNOMODULATORY CONSTRUCTS AND THEIR USES

Art Unit : Unknown
Examiner : Unknown

MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE AND/OR AMINO ACID SEQUENCES

In response to the Notice to File Missing Parts of Application under 37 CFR § 1.53(b) mailed May 6, 2005 (copy enclosed), applicant as a large entity submits herewith the following:

- ☒ Payment of the surcharge of \$130 for late filing of the declaration;
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR § 1.63;
- ☒ A Preliminary Amendment;
- ☒ Sequence Listing: Computer Readable Copy; and
- ☒ Sequence Listing: Paper Copy.

Please apply any charges to deposit account 06-1050, referencing attorney docket 11752-

007US1.

07/11/2005 MKAYPAGH 00000102 10516813

01 FC:1617

130.00 OP

Respectfully submitted,

Date: _____

7-5-05

Y. Rocky Tsao

Y. Rocky Tsao
Reg. No. 34,053

PTO Customer No. 26161
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
21120729.doc

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV664063455US

July 5, 2005

Date of Deposit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/516,813	John David Fraser	11752-007US1

26161
FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

Docketed By Practice Systems	
Action Code:	PCT 2M M155 KLEW
Base Date:	5-6-5
Due Date:	7-6-5
Deadline:	12-6-8
Initial:	WAB

INTERNATIONAL APPLICATION NO.	
PCT/NZ03/00111	
LA. FILING DATE	PRIORITY DATE
06/04/2003	06/04/2002

CONFIRMATION NO. 2831
371 FORMALITIES LETTER

OC000000015938361

Date Mailed: 05/06/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/03/2004
- Copy of the International Search Report filed on 12/03/2004
- Copy of IPE Report filed on 12/03/2004
- Preliminary Amendments filed on 12/03/2004
- Information Disclosure Statements filed on 04/07/2005
- Biochemical Sequence Listing filed on 12/03/2004 ✓
- U.S. Basic National Fees filed on 12/03/2004 ✓
- Priority Documents filed on 12/03/2004

Docketed By Billing Secretary	
Due Date:	
Deadline:	
Initials:	

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37

RECEIVED

MAY 12 2005

FISH & RICHARDSON, P.C.
BOSTON OFFICE

CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.138(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951.
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-8845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/516,813	PCT/NZ03/00111	11752-007US1